

REMARKS/ARGUMENTS

The Office Action mailed June 5, 2007 has been carefully reviewed. Claims 1-27 are pending in the present Application. By this Reply claims 1, 2, 17, 18 and 20-27 have been amended. Accordingly claims 1- 27 are currently at issue. For the reasons below, Applicants respectfully submit that the pending claims are novel and non-obvious over the cited prior art, and are thus in condition for allowance.

Claim Rejections Under 35 U.S.C. § 102

The Office Action, on page 2, rejected claims 1, 3, 4, 6, 15, 17, 20, and 25 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,065,359 to Chuah *et al.* (“Chuah”).

The Applicants submit that Chuah does not disclose, teach, or suggest claim 1. Claim 1 includes, among other features, “if a selected signal quality is acceptable, deciding to perform the handover to a selected candidate cell, wherein the selected candidate cell is a member of the list and wherein the selected signal quality corresponds to the selected candidate cell.” Chuah does not disclose this feature. Rather, Chuah discloses that when the wireless unit detects degradation in the airlink, the wireless unit may decide to switch from BTS 46 to BTS 50 based on the highest associated pilot signal power measurement. (Chuah, col. 5, ln. 12-23). Chuah, therefore, does not anticipate claim 1 on this basis.

In addition claim 1 includes “(F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell.”

Chuah does not disclose this feature. Rather, in Chuah before the wireless unit 42 receives packets from the new BTS 50, the wireless unit 42 waits for an indication that the BTS 50 is ready to transmit packets or waits until all data that has been forwarded to the old BTS 46 has been sent to the wireless unit 42. (Chuah, col. 5, ln. 41-46).

The Applicants submit that waiting until all data that has been forwarded to the old BTS 46 has been sent to the wireless unit 42 before switching to new BTS 50, does not constitute “performing the handover to the selected candidate cell . . . such that the handover occurs between the final channel burst and the new channel burst.” On page 6 of the Application, paragraph [29]

sets forth: “Channel bursts are typically transmitted periodically by a base station. For example, a subsequent channel burst may occur T seconds after channel burst 209, which a channel burst is transmitted every T seconds.” On page 6 of the Application, paragraph [28] sets forth:

“An idle time duration (during which data packets are not transmitted for the data service) occurs between consecutive transmissions of a channel burst A wireless broadcast system can utilize the idle time duration during which wireless terminal 115 can be instructed to transfer to another base station to complete a handover.”

Nowhere in Chuah is there disclosure of completing a handover between channel bursts. Chuah, therefore, does not disclose “(F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell.” Chuah, therefore, does not anticipate claim 1 on this basis, and the Office Action has not established a *prima facie* case of anticipation with respect to claim 1.

Since claims 3, 4, 6, 15, and 17 depend from claim 1, Applicant submits that claims 3, 4, 6, 15, and 17 are allowable for at least the same reasons above with respect to claim 1.

The Applicants submit that Chuah does not disclose, teach, or suggest claim 20. Claim 20 includes, among other features, “if a selected signal quality is acceptable, deciding to perform the handover to a selected candidate cell, wherein the selected candidate cell is a member of the list and wherein the selected signal quality corresponds to the selected candidate cell.” Chuah does not disclose this feature. Rather as stated above with respect to claim 1, Chuah discloses that when the wireless unit detects degradation in the airlink, the wireless unit may decide to switch from BTS 46 to BTS 50 based on the highest associated pilot signal power measurement. (Chuah, col. 5, ln. 12-23). Chuah, therefore, does not anticipate claim 20 on this basis.

In addition claim 20 includes “(F) in response to (E), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell.” As stated above with respect to claim 1, Chuah does not disclose this feature, because Chuah is not directed to completing a handover between channel bursts. Chuah, therefore, does not anticipate claim 20 on

this basis, and the Office Action has not established a *prima facie* case of anticipation with respect to claim 20.

Claim 25 includes, among other features,

a handover analysis module: configured to instruct the communications module to tune to said one of the plurality of base stations and instructs the measurement module to obtain corresponding signal quality information corresponding to said one of the plurality of base stations; configured to process the signal quality information to determine whether the handover to the selected base station is necessary; configured to instruct the communications module to receive a last channel burst from the first base station after the handover analysis module determines to perform the handover; and configured to instruct the communications module to tune to the selected base station and to receive the new channel burst from the selected candidate base station such that the handover occurs between the final channel burst and the new channel burst.

Chuah does not disclose this feature. Rather, in Chuah before the wireless unit 42 receives packets from the new BTS 50, the wireless unit 42 waits for an indication that the BTS 50 is ready to transmit packets or all data that has been forwarded to the old BTS 46 has been sent to the wireless unit. (Chuah, col. 5, ln. 41-46). Additionally, as stated above with respect to claim 1, nothing in Chuah is “configured to instruct the communications module to receive a last channel burst from the first base station after the handover analysis module determines to perform the handover; and [is] configured to instruct the communications module to tune to the selected base station and to receive the new channel burst from the selected candidate base station such that the handover occurs between the final channel burst and the new channel burst.” As stated above with respect to claim 1, there is no mention in Chuah as to completing a handover between channel bursts. Chuah, therefore, does not anticipate claim 25 on this basis.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 2, 5, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 5,513,246 to Jonsson *et al.* (“Jonsson”).

Since claims 2, 5, and 19 depend from claim 1, Applicants submit that claims 2, 5, and 19 are allowable for at least the same reasons above with respect to claim 1.

In addition, claim 2 includes “(i) if obtaining the measurements cannot be completed before receiving the final channel burst from the first base station, suspending obtaining the measurements; (ii) receiving another channel burst from the first base station; and (iii) in response to (ii), resuming obtaining the measurements.”

The Office Action admits on page 5 that Chuah does not teach the above feature. The Applicants submit that Jonsson does not cure the deficiencies of Chuah. Jonsson does not disclose, teach, or suggest “(i) if obtaining the measurements cannot be completed before receiving the final channel burst from the first base station, suspending obtaining the measurements; (ii) receiving another channel burst from the first base station; and (iii) in response to (ii), resuming obtaining the measurements.” Rather, Jonsson discloses waiting an elapsed time before evaluating the current cell. (See Jonsson, col. 9-10, ll. 60-10). The Office Action, therefore, has not established a *prima facie* case of obviousness with respect to claim 2.

Since claim 21 depends from claim 20, Applicants submit that claim 21 is allowable for at least the same reasons above with respect to claim 20.

The Office Action rejected claims 7-9, 12-13, 22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,731,936 to Chen *et al.* (“Chen”).

Since claims 7-9 and 12-13 depend from claim 1, Applicants submit that claims 7-9 and 12-13 are allowable for at least the same reasons above with respect to claim 1.

Since claims 22 and 24 depend from claim 20, Applicants submit that claims 22 and 24 are allowable for at least the same reasons above with respect to claim 20.

The Office Action rejected claims 10, 11, 16, 18, 23, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Application No. 2003/0162535 to Niskiyama *et al.* (“Niskiyama”).

Since claims 10, 11, 16, and 18 depend from claim 1, Applicants submit that claims 10, 11, 16, and 18 are allowable for at least the same reasons above with respect to claim 1.

Since claim 23 depends from claim 20, Applicants submit that claim 23 is allowable for at least the same reasons above with respect to claim 20.

Since claim 26 depends from claim 25, Applicants submit that claim 26 is allowable for at least the same reasons above with respect to claim 25.

The Office Action rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of U.S. Patent No. 6,366,568 to Bolgiano *et al.* (“Bolgiano”).

Since claim 14 depends from claim 1, Applicants submit that claim 14 is allowable for at least the same reasons above with respect to claim 1.

The Office Action rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Chuah in view of Jonsson and in further in view of Chen.

The Applicants submit that neither Chuah, Jonsson, nor Chen disclose, teach, or suggest claim 27. Claim 27 includes, among other features, “(I) in response to (H), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell and wherein the new channel burst supports the multicast service.”

As stated above with respect to claim 1, Chuah does not disclose this feature, because Chuah is not directed to completing a handover between channel bursts. Chuah, therefore, does not disclose, teach or suggest claim 27 on this basis.

Nor do Jonsson or Chen cure the deficiencies of Chuah. There is no suggestion in Jonsson of “receiving a final channel burst from the first base station.” (See generally Johsson, col. 10, ln. 19-29). Also there is no suggestion in Chen of “receiving a final channel burst from the first base station.” Neither Chuah, Jonsson, nor Chen, therefore, alone or in combination disclose, teach or suggest ““(I) in response to (H), performing the handover to the selected candidate cell and receiving a new channel burst from a selected candidate base station such that the handover occurs between the final channel burst and the new channel burst, wherein the selected candidate base station is serving the selected candidate cell and wherein the new channel burst supports the multicast service.” The Office Action, therefore, has not established a *prima facie* case of obviousness with respect to claim 27.

Conclusion

Applicants respectfully submit that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicants' representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicants' representative.

Respectfully submitted,

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By: /Bradley J. Van Pelt/
Bradley J. Van Pelt
Registration No. 59,773
BANNER & WITCOFF, LTD.
10 South Wacker Drive, Suite 3000
Chicago, IL 60606
Direct Dial: 312-463-5453